

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

UNITED STATES OF AMERICA	:	14 Cr. 68 (KBF)
- against -	:	NOTICE OF MOTION
ROSS ULBRICHT,	:	IN SUPPORT OF
Defendant.	:	DEFENDANT
		<u>ROSS ULBRICHT'S</u>
		<u>PRE-TRIAL MOTIONS</u>

-----X

PLEASE TAKE NOTICE, that upon the annexed Declaration of Joshua L. Dratel, Esq., and all prior papers and proceedings herein, the defendant, ROSS ULBRICHT, will move before the Honorable Katherine B. Forrest, United States District Judge for the Southern District of New York, at the United States Courthouse located at 500 Pearl Street, New York, at a time and date to be set by the Court, or as soon thereafter as counsel may be heard, for the following relief:

- (a) dismissal of Counts One, Two and Three, because the conduct charged therein does not state an offense under the enumerated statutes, and because even if the conduct did state an offense, those statutes would be unconstitutionally vague as applied in this case;
- (b) dismissal of Count Three because the critical statutory term “access without authorization” in 18 U.S.C. §1030(a)(2)(C) is undefined, and therefore unconstitutionally vague as applied to Mr. Ulbricht in this case;
- (c) dismissal of Count Four because it fails to allege sufficiently the essential element of a “financial transaction[]” that by definition must involve a “monetary instrument[];” and

for any such other and further relief as to the Court seems just and proper.

Dated: New York, New York
28 March 2013

/S/ Joshua L. Dratel
JOSHUA L. DRATEL
JOSHUA L. DRATEL, P.C.
29 Broadway, Suite 1412
New York, New York 10006
(212) 732-0707

Attorneys for Defendant Ross Ulbricht

To: CLERK OF THE COURT
UNITED STATES ATTORNEY
SOUTHERN DISTRICT OF NEW YORK
ALL DEFENSE COUNSEL